

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Raymond Stebbins

v.

Civ. No. 10-cv-425-PB

New Hampshire Secretary of State

**REPORT AND RECOMMENDATION**

Raymond Stebbins, proceeding pro se, filed this action on September 22, 2010, (doc. no. 1) along with a motion for a temporary restraining order (doc. no. 2) and the \$350 filing fee. The motion for a temporary restraining order was summarily denied.

On September 24, 2010, summonses were issued to plaintiff by mail as to defendant (doc. no. 3). Pursuant to Fed. R. Civ. P. 4(m), plaintiff was required to serve defendant by January 20, 2010, 120 days after the complaint was filed. He did not do so. On March 1, 2011, this court issued an order directing Stebbins to serve the defendant and file return of service documents in this court within thirty days of the date of that order, or by March 31, 2011. Stebbins failed to do so.

Accordingly, the court now recommends that this matter be dismissed without prejudice for failure to prosecute, as required by Fed. R. Civ. P. 4(m). Any objections to this Report and Recommendation must be filed within fourteen (14) days of

receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010); United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008).

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya B. McCafferty  
United States Magistrate Judge

Date: April 27, 2011

cc: Raymond Stebbins, pro se

LM:jba